

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MILLER SEABROOKS,

Plaintiff,

-against-

RONALD LEE BROWN, JR., EVANS
DELIVERY COMPANY, and BUDGET
TRUCK RENTAL INC.,

Defendants.
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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/4/19

18 Civ. 10155 (PAC)

ORDER

HONORABLE PAUL A. CROTTY, United States District Judge:

This matter involves alleged personal injuries arising out of a car accident between Plaintiff Miller Seabrooks and Defendant Ronald Lee Brown, Jr. ("Brown"), who was operating a vehicle owned by his employer, Defendant Evans Delivery Company ("Evans"), which was ensured by Defendant Budget Truck Rental Inc. ("Budget").

The docket in this matter is in disarray, and the Court issues this Order to tidy it.

First, Defendants Brown and Evans are directed to properly file their March 8, 2019 motion to dismiss on ECF.

Second, the Court finds that Defendant Budget's January 16, 2019 motion to dismiss (Dkt. 20) is moot, pursuant to the parties' articulated understanding (*see* Dkts. 40, 41), and since Plaintiff filed an Amended Complaint on February 11, 2019 and Defendant Budget filed an Answer to the Amended Complaint on February 22, 2019.

Third, Plaintiff's opposition to Defendants Brown and Evans' March 8, 2019 motion to dismiss is deemed waived. Plaintiff was served with the motion via email and was aware of the

motion schedule set by the Court on February 25, 2019, which required Plaintiff to respond by March 25, 2019.

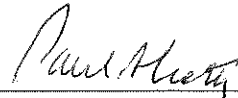
Fourth, Defendant Budget may file its motion for a judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c). There is no need for a pre-motion conference. Plaintiff's response will be due 15 days after Budget files the motion. Budget's reply will be due 10 days after Plaintiff's response.

Fifth, Defendant Brown's deposition will remain stayed until the Court decides on the motion to dismiss, as the Court previously ruled during the February 25, 2019 conference.

Sixth, Plaintiff's request for oral argument on Budget's obligations is denied. The Court will consider the merits of Plaintiff's claims against Budget in deciding the motion to dismiss and motion for judgment on the pleadings.

Dated: New York, New York
June 4, 2019

SO ORDERED



PAUL A. CROTTY
United States District Judge